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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CASSANDRA J. MOLLETT et al.

Serial No.: 09/474,576

Filed: December 29, 1999

For: System and Method of Determining Collectability in a Distributed Negative File

Attorney Docket No.: FDC 0140 PUS

Group Art Unit: 3627

Examiner: Andrew J. Rudy

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
U.S. Patent & Trademark Office
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Sir:

This Reply Brief is in response to the Examiner's Answer mailed on May 8, 2006, for the above-identified patent application. As best as can be determined, the Examiner raises no new ground of rejection in the Examiner's Answer.

The Examiner has withdrawn his rejection under 35 U.S.C. § 101, leaving his rejection of claims 9-16 under 35 U.S.C. § 103(a). Much of the Examiner's Answer repeats arguments previously made by the Examiner and addressed in Appellants' Appeal Brief mailed September 19, 2003. These arguments will not be addressed again here.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8 (FIRST CLASS MAIL)

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The Examiner states that “Templeton does not specifically indicate the negative file 85 is modified by removing the negative information, but does not indicate that the negative file 85 is ‘continuously updated’ (col. 12, line 59).” (Examiner’s Answer, pg. 4.) The Examiner fails to include the entire sentence from which this quote is pulled. When considered in context, Templeton does not disclose what the Examiner believes is disclosed. The entire sentence reads:

These resources are on-line, and are continuously updated to accept real-time check activity.

Real-time check activity has nothing whatsoever to do with removing negative information.

The Examiner also argues that “Templeton discloses packets, e.g., col. 6, of information sent that helps label a check writer into a designated category.” (Examiner’s Answer, pg. 4.) As best as can be determined from the Examiner’s vague reference to an entire column, Templeton’s packets have nothing to do with removing negative information.

If the terminal determines that it cannot approve the pending transaction, the terminal transmits a pending transaction packet, which includes the transaction data, to the remote authorization host computer for authorization. If the terminal also determines that it has previously stored at least one off-line transaction packet, the pending transaction packet will also include a flag indicating that the transaction terminal has stored off-line transaction packets for transmission to the remote authorization host computer.

(Templeton, col. 6, ll. 21-30.)

In attacking Appellants’ arguments, the Examiner dodges the issue that real-time check activity information does not disclose removing negative information.

Whether or not the activity is done in real-time is not an issue. The claim language makes no such distinction.

(Examiner’s Answer, pg. 5.)

The Examiner misses the point. The point is that information about who is writing a check and for how much does not teach or fairly suggest Appellants’ removal of negative information.

Evidence that the Examiner is detached from Appellants' actual claim language comes from the quote at the bottom of page 5 of the Examiner's Answer:

Presently, as claimed, presenting, via a telephone call, letter, or in person, a check to bank teller or grocer, and having the bank teller or grocer cash the check after being alerted to an inadvertent error would read upon Appellant's claims 9-13.

Independent claim 9 provides a method for determining the collectability of check writers. A negative file is stored in a database. The negative file includes information about each of a plurality of check writers. Each check writer is classified into one of a plurality of categories. The negative file is modified by removing the negative information for each check writer classified within a predetermined set of the categories and by retaining the negative information for each check writer not classified within the predetermined set of categories. Each check writer classified within the predetermined set of categories is labeled as collectible and each check writer not classified within the predetermined set of categories as labeled as non-collectible.

Independent claim 12 also provides a method for determining the collectability of check writers. Claim 12 includes, *inter alia*, modifying a negative file by removing negative information for each check writer classified within a predetermined set of the categories and retaining negative information for each check writer not classified within the predetermined set of categories.

The Examiner's construction of Templeton, like the Examiner's example, completely ignores removing negative information from a negative file.

With regard to the Examiner's arguments on page 6 of the Examiner's Answer, the Examiner appears to find significance that Appellants summarize claim 14 by stating that the processor "classifies" rather than that the processor is "operative to classify." Other than this complaint, which seems to have no bearing on patentability, the Examiner appears to have nothing to say about claims 14-16.

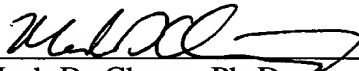
With regard to Appellants' Summary of Invention, the Examiner raises in his Answer, for the first time, that the Appeal Brief is deficient. Besides being procedurally

incorrect, the Examiner's argument is without merit. As best understood, the Examiner complains that the Summary mentions "microprocessor 14" of Appellants' Figure 1 and that no processor is recited in claims 9-13. Appellants are puzzled. If the Summary must be restricted to nothing but the precise language of the claims, as the Examiner seems to be implying, why have a summary at all? Why not just read the claims? More importantly, however, pending claims 14-16 do recite a "processor."

No fee is believed due by filing this supplemental appeal brief. However, any fee due in connection with this filing may be withdrawn from Deposit Account No. 02-3978.

Respectfully submitted,

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